

County of Los Angeles  
**DEPARTMENT OF PUBLIC SOCIAL SERVICES**

12860 CROSSROADS PARKWAY SOUTH • CITY OF INDUSTRY, CALIFORNIA 91746  
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Board of Supervisors  
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Fifth District

March 29, 2007

TO: Each Supervisor

FROM: Bryce Yokomizo, Director

**SUBJECT: NOTICE OF EXECUTION OF AMENDMENT NUMBER 11 TO AGREEMENT 72426 WITH THE PERSONAL ASSISTANCE SERVICES COUNCIL (PASC)**

Attached is a copy of Amendment Number 11 to County Agreement Number 72426 with the Los Angeles County Personal Assistance Services Council (PASC). I have exercised my delegated authority, to execute Amendment Number 11 on March 29, 2007 in accordance with Section 3.3 of the original PASC agreement to affect the \$9.00 hourly wage rate on April 1, 2007. Your Board approved the appropriation of \$16.4 million on January 23, 2007 to reflect the \$0.55 increase in the In-Home Supportive Services (IHSS) providers hourly wage rate from \$8.45 to \$9.00.

The California Department of Social Services and Department of Health Services have approved DPSS' request for increased funding for the new hourly wage rate of \$9.00 effective April 1, 2007, for approximately 124,000 IHSS providers. Amendment Number 11 reflects the total maximum contract of \$48,000,000 for fiscal year 2007-2008 budgeted for DPSS. As previously reported to your Board, in the event the State freezes their participation of its share in wages, the IHSS wage rate will revert to the previous amount of \$8.45 per hour.

County Counsel and the CAO have reviewed and approved Amendment Number 11 as to form. In addition, the PASC and SEIU Local 434B have signed and agreed to accept this increase.

BY:vs

Attachment

c: Chief Administrative Officer  
County Counsel  
Auditor-Controller  
Executive Officer, Board of Supervisors  
PASC Executive Director



**AMENDMENT NUMBER 11**

**TO**

**AGREEMENT No. 72426 BETWEEN  
COUNTY OF LOS ANGELES  
AND  
LOS ANGELES PERSONAL ASSISTANCE SERVICES COUNCIL  
(PASC)**

March 2007

**AMENDMENT NO. 11  
TO  
AGREEMENT NO. 72426 BETWEEN  
COUNTY OF LOS ANGELES  
AND  
LOS ANGELES COUNTY PERSONAL ASSISTANCE SERVICES COUNCIL**

THIS AMENDMENT is made and entered into this \_\_\_\_\_ day of March 2007 by and between the County of Los Angeles, hereinafter referred to as COUNTY, and the Los Angeles County Personal Assistance Services Council ("PASC").

WHEREAS, reference is made to the document entitled "AGREEMENT BY AND BETWEEN COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY PASC," dated September 14, 1999, and further identified as County Agreement No. 72426, Amendment Number 1, dated October 24, 2000, Amendment 2 dated, October 24, 2000, Amendment Number 3 dated November 20, 2002, Amendment Number 4, dated June 22, 2004, Amendment Number 5, dated October 28, 2004, Amendment 6, dated June 30, 2005, Amendment 7, dated July 28, 2005, Amendment 8, dated October 26, 2005, and, Amendment 9 dated June 29, 2006, and, Amendment 10 dated August 10, 2006; hereinafter referred to as "Agreement."

WHEREAS, said Agreement provides that changes may be made in the form of a written amendment which is formally approved and executed by both parties; and

NOW THEREFORE, the parties hereby agree as follows:

This Amendment shall become effective upon execution by both parties.

1. Paragraph II, Section 1, **CONTRACT PERIOD**, is replaced in its entirety with the following:

The term of the Agreement shall commence the day after DPSS Director approval, and shall continue through June 30, 2008, unless terminated or extended, in whole or in part, as provided in this Agreement.

2. Subparagraphs 4.0.5 of Section IV, **FISCAL PROVISIONS** is deleted in its entirety and replaced with the following:

4.0.5 Beginning April 1, 2007 thru June 30, 2007, the COUNTY'S appropriation for the PASC negotiated wage, above minimum wage, shall not exceed the total of \$11,500,000. For Fiscal Year 2007-2008, the COUNTY'S appropriation for the PASC negotiated wage, above minimum wage, shall not exceed the total of \$48,000,000. This amount is an absolute limit on the COUNTY'S cost and the COUNTY is not obligated by this Agreement in any way to pay or subsidize beyond this appropriation amount any portion of any PASC negotiated wage increase beyond the minimum wage.

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4.0.5.1 In the event the State's share of wages pursuant to Welfare and Institutions Code section 12306.1 is not forthcoming or in any way becomes unavailable, the wage shall revert back to the previous wage. Both parties further understand and agree that in the event the State's share of wages pursuant to Welfare and Institutions Code section 12306.1 is not forthcoming or in any way becomes unavailable, the County's above state obligation for any wage above the minimum wage or capitation payments, shall terminate whether or not the COUNTY reached its maximum allocation of funds for the period of April 1, 2007 through June 30, 2007 and 2007-2008 fiscal year, as set forth above. Both parties further agree that Welfare and Institutions Code §12306(c)(3) does not obligate the County in any way or at any time to fund the State's share of wages or capitation payments negotiated pursuant to Welfare and Institutions Code §12306.1.

3. Subparagraph 4.3.1 of Section IV, **FISCAL PROVISIONS** is deleted in its entirety and replaced with the following:

4.3.1 For future fiscal years, contingent upon appropriation by the COUNTY'S Board of Supervisors, and the continual receipt of State funds allocated to cover benefits pursuant to Welfare and Institutions Code §12306.1, the COUNTY'S payment to the PASC for the PASC's administration of the Health Care Plan shall not exceed \$500,000 except as an additional amount may be appropriated by the County's Board of Supervisors. Such future appropriations are contingent upon the terms of the Collective Bargaining agreement by the PASC and SEIU Local 6434 continuing the Health Care Plan, the continual receipt of State funds allocated to cover benefits pursuant to Welfare and Institutions Code §12306.1 and appropriation by the COUNTY'S Board of Supervisors. The COUNTY shall have no obligation to provide any amount towards the administration of the Health Care Plan for succeeding Fiscal Years, unless and until the Board of Supervisors makes such appropriation. If the Board makes such an appropriation, the PASC shall submit to DPSS a monthly invoice detailing the amounts expended by the PASC to administer the Health Care Plan. The COUNTY shall

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reimburse the PASC for all such valid expenses up to the annual limit set forth in this subparagraph 4.3.1.

4. Subparagraphs 6.0.2.3 and 6.0.7 of Section IV, **FISCAL PROVISIONS** are deleted in their entirety and replaced with the following:

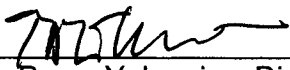
6.0.2.3 With respect to any PASC wage for IHSS providers for the period of April 1, 2007 through June 30, 2007 and July 1, 2007 through June 30, 2008 fiscal year, the COUNTY has calculated that the Net County Cost set forth in subparagraph 4.0.5 above would allow for a \$9.00 per hour wage, as agreed to in the collective bargaining agreement entered into between the PASC and SEIU Local 6434 dated January 26, 2007, presuming current state funding levels.

6.0.7 Beginning April 1, 2007 through June 30, 2007 and July 1, 2007 through June 30, 2008, with respect to PASC wages for IHSS providers, the County agrees to pay thirty-five percent of the nonfederal share of wage increase up to \$1.50 above the hourly State wide minimum wage, and pursuant to Welfare and Institutions Code §12306.1 as long as the COUNTY'S share does not exceed \$59,500,000 as specified in 4.0.5 above. Under no circumstance shall the COUNTY'S fiscal contributions exceed the amounts referenced in 4.0, 4.0.1, 4.0.2, 4.0.3, 4.0.4, 4.0.5, 4.1, 4.1.1, 4.2, 4.2.1, 4.3, and 4.3.1 above for the respective fiscal year and under no circumstance is the COUNTY obligated for any portion of a wage or any capitation payments, in excess of those amounts if such funds have been depleted or in any way become unavailable, even during the respective fiscal year. Both parties further understand and agree that in the event, the State's share of wages pursuant to Welfare and Institutions Code section 12306.1 is not forthcoming or in any way becomes unavailable, the wage shall revert back to the previous wage. In addition, both parties further understand and agree that if for any reason, the State's share of any wage increases pursuant to Welfare and Institution Code §12306.1 is not forthcoming or in any way becomes unavailable, the COUNTY is not obligated under any circumstance, to pay any portion of the State's share. Both parties further agree that Welfare and Institution Code §12306(c)(3) does not obligate the COUNTY in any way or at any time to fund the State share of a wage increase or capitation payments negotiated pursuant to Welfare and Institution Code §12306.1.

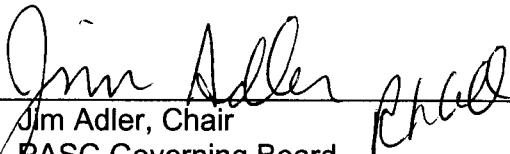

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5. IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be signed by the Director of the Department of Public Social Services and the PASC has caused this Contract to be signed by its duly authorized officer(s), on the \_\_\_\_\_ day of March 2007.


COUNTY OF LOS ANGELES

By   
Bryce Yokomizo, Director  
Department of Public Social Services

PERSONAL ASSISTANCE SERVICES COUNCIL

By    
Jim Adler, Chair  
PASC Governing Board

APPROVED AS TO FORM:  
Raymond G. Fortner Jr., County Counsel

By   
Dawyn R. Harrison  
Principal Deputy Counsel